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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/267,350	03/15/1999	VLADIMIR POGREBINSKY	P-2279-US	6944
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EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/267,350

Applicant(s)

POGREBINSKY ET AL.

Examiner

Phuongchau Ba Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1-24-2002 Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 1-2,4-5,9-15,17-23 is/are rejected.
- 7) ☒ Claim(s) 3,6 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-2, 4-5, 9-11, 13-14, 15, 17-20, 22-23 are rejected under 35

U.S.C. 102(e) as anticipated by Katseff et al (6,301,258).

Katseff discloses a buffer 129 (jitter buffer), a buffer manager 150 (controller) for adjusting the buffer 129 size based on network conditions (i.e., the network relatively stable or jittery)[likelihood] {col.4, lines 45-61; col.7, line 23 to col.8, line 31; and also see col.8, lines 32-col.9, line 43, figs.5-6}. Katseff also discloses a decompressor 120 (claims 11, 20-21) in column 4, lines 66-67. The storage unit (claims 10, 19) reads on the buffer 129. The burst period reads on column 7, lines 31-38.

3. Claim(s) 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatented over Katseff (6,301,258) in view of Shimada (3,914,790)

Katseff does not disclose an amplifier in communication with said decompressor.

Shimada discloses an amplifier 44-47 in communication with a decompressor 43 {see figure 1}.

Art Unit: 2665

Therefore, it would have been obvious to a skilled artisan to implement the amplifier as taught by Shimada to the speaker 170 and decompressor 120 as taught by Katseff to drive the speaker. This is a common practice.

***Allowable Subject Matter***

4. Claims 3, 6, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-8 are allowed over the prior art of the record.

***Response to Arguments***

5. Applicant's arguments filed 1-24-2002 have been fully considered but they are not persuasive.

*AI.* Applicants argued in page 7 of Remarks that Katseff is silent as to burst detection, as it does not look for bursts, but rather analyzes all changes in the network in terms of jitter between measured intervals. Katseff fails to show any structure or methods for burst period detection, and utilization of burst period information for queue adjustment.

In reply, applicant is directed to column 1, lines 49-53 wherein Katseff discloses that the "jitter" is the variance in latency from packet to packet or between groups of packets, such that packets or packet-groups (bursts) are not received at the destination at regular interval (e.g. packets or packet-groups being delayed in variance latency,

Art Unit: 2665

thus some packets or packet-groups could be ended up transmitting next to one another in a time interval and that is a burst period, emphasis added, and the burst period read on column 8, lines 1-7). Also, Katseff discloses utilizing the information burst periods (i.e. amount of the packets or group-packets transmitted in variance latency) {col.7, lines 36-43} to adjust jitter buffer.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 703-305-0093. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 3:00 p.m..

Art Unit: 2665


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Phuongchau Ba Nguyen  
Examiner  
Art Unit 2665

April 3, 2002



PHUONGCHAU BA NGUYEN  
EXAMINER